

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

Case No. 2:14-CR-127(1)

v.

ROBERT B. LEDBETTER

JUDGE MARBLEY

SENTENCING MEMORANDUM OF THE UNITED STATES

Now comes the United States, and requests that the Court sentence Mr. Ledbetter to life without the possibility of parole as mandated for the crimes to which he has been convicted. The United States has no objections to the guideline range as calculated by the probation officer.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

As the Court is aware, Mr. Ledbetter was convicted of Conspiracy to Commit Racketeering and numerous counts of Murder. Four of the Murder convictions included Murder in the Aid of Racketeering, each of these convictions carry a mandatory minimum sentence of life without the possibility of parole.

While in this case the statutory mandatory minimum sentence trumps the guideline sentence, the Government agrees with the guideline calculations as set forth in the PSR. Mr. Ledbetter's combined adjusted offense level is 52. This is 9 points higher than the maximum total offense level of 43. The guideline range in this case is also life in prison.

Mr. Ledbetter raises two objections that are addressed in the Addendum to the Presentence Report. The Government is in agreement with the responses given by the probation officer. Mr. Ledbetter indicates in his objection letter that, "Paragraph 127 deals with an act which the government concedes was not proven at trial". Paragraph 127 deals with the murder of Crystal Fyffe and the government does NOT concede this was not proven at trial. The Government does, however, concede that Overt Act 18 of Count One relating to an attempted murder was not proven at trial. Overt act 18 was not mentioned in opening statement or at any time during the trial. The Government informed Mr. Ledbetter prior to trial that Overt Act 18 was discovered to involve a different "Brandon" than Mr. Ledbetter.

The victims' families are aware of Mr. Ledbetter's sentencing date and may want a chance to make a statement to the Court. The United States will inform the Court if this is the case before the sentencing hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Sentencing Memorandum was served via the Court's electronic filing system (ECF) on counsel for the defendant on.

s/David M. Devillers
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